



## FAIR POLITICAL PRACTICES COMMISSION

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March 17, 1999

Gwen Leffall, Deputy Clerk  
Fresno County Board of Supervisors  
Room 300, Hall of Records  
2281 Tulare Street  
Fresno, CA 93721-2198

**Re: Your Request for Advice  
Our File No. A-99-049**

Dear Ms. Leffall:

This is in response to your request for advice concerning the conflict of interest disclosure provisions of the Political Reform Act (the "Act").<sup>1</sup>

### QUESTION

You have asked whether a member of the Fresno County Board of Supervisors is required to file statements of economic interests with any other local commission on which the member serves.

### CONCLUSION

Members of county boards of supervisors are not required to file statements of economic interests for any other agency which has the same jurisdiction as the board of supervisors (the county), or a smaller jurisdiction wholly contained within the county.

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<sup>1</sup> Government Code sections 81000-91014. Commission regulations appear at title 2, sections 18109-18995, of the California Code of Regulations.

## ANALYSIS

Under the Act's conflict of interest provisions, state and local officials are required to file periodic statements of economic interests disclosing certain personal financial interests that may be affected by actions taken during the course of their official duties. Section 87200 lists those officials with the broadest decisionmaking authority, including state and local legislators like the county board of supervisors, and imposes on them the broadest disclosure requirements under the Act. For officials not listed in section 87200, the Act requires state and local government agencies to determine their disclosure requirements through the adoption of a conflict of interest code. (Section 87300.) Each agency must adopt a code designating those positions that involve governmental decisionmaking and tailoring their disclosure requirements to the types of decisions they will be making.

Section 87302, which sets out the provisions that must be included in a conflict of interest code, provides that officials who are specified in section 87200 are excluded from the disclosure requirements of conflict of interest codes. (Section 87302(a) and (b).) The Commission's standard conflict of interest code, contained in regulation 18730, is commonly incorporated by local agencies. The regulation provides:

"This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, *et seq....*"

Regulation 18730(b)(3).


We have not received any information concerning the conflict of interest codes of the local commissions referred to in your letter or whether they have incorporated regulation 18730. However, if the jurisdiction of a local agency is the same as or wholly included within the jurisdiction of the Fresno County Board of Supervisors, a member of the Board of Supervisors who also holds a position with the agency is not required **under the Act** to file any statements of economic interests with the agency. The official is deemed to be in compliance with the requirements of the Act by filing statements of economic interests as a member of the Board of Supervisors.

If a board member holds a position with a local agency whose jurisdiction encompasses parts of two or more counties, the board member must file statements of economic interests for both positions. The member may file a separate statement for each position, or may complete a single "expanded statement" by disclosing reportable interests for both positions and filing an originally signed copy with each agency.

If you have questions concerning this letter, or need additional assistance, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel

  
By: Carla Wardlow  
Division Chief  
Technical Assistance Division